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# Public Notice

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**Applicant:**

Helen B. Walton

**Date:**

Published: July 23, 2001

~~Expires: Aug. 22, 2001~~**U.S. Army Corps  
of Engineers****In Reply Refer To:****Buffalo District CELRB-CO-R RE: 2001-02029(0) Section: NY 404**

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Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).

Helen B. Walton, 7975 County Road 15, Angelica, New York 14709, in conjunction with the Allegany County Soil and Water Conservation District, has applied for Department of the Army authorization to perform work within Baker Creek. The project area is located at 7975 County Road 15, Town of Angelica, Allegany County, New York.

Due to severe erosion in the project area, the applicant is proposing to re-align a portion of the stream channel and remove deposited sand and gravel. Erosion in the area has resulted in loss of property and further erosion will result in additional property loss as well as an increased threat to an existing home. The applicant is proposing to relocate approximately 3,500 cubic yards of deposited sand and gravel and re-align approximately 420 linear feet of stream channel. The new channel will be located away from the eroding bank and will be constructed with a parabolic centerline to concentrate low flows. On-site material will be used to fill the existing channel and stabilize the portion of the bank which is being eroded. Approximately 3,500 cubic yards of material will be placed below the ordinary high water mark of Baker Creek. Work will be conducted with a bulldozer and shall be performed utilizing construction techniques which will minimize impacts to the biota of the creek. To further stabilize the eroding bank, Streamco and Bankers willows will be planted on the outside curve of the filled floodplain area.

The applicant is also seeking authorization to perform routine maintenance of the newly established channel by removing any deposition which may build up on the inside of the curve of the newly constructed channel. The removal of these deposits will prevent the flow from being deflected to the newly stabilized bank.

The authorized maintenance of these areas would cover the 5 years originally authorized with the permit and up to an additional 5 year time extension.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Harold T. Keppner, who can be contacted by calling (716) 879-4120, or by e-mail at: harold.t.keppner@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Harold T. Keppner, or by e-mail at: [harold.t.keppner@usace.army.mil](mailto:harold.t.keppner@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

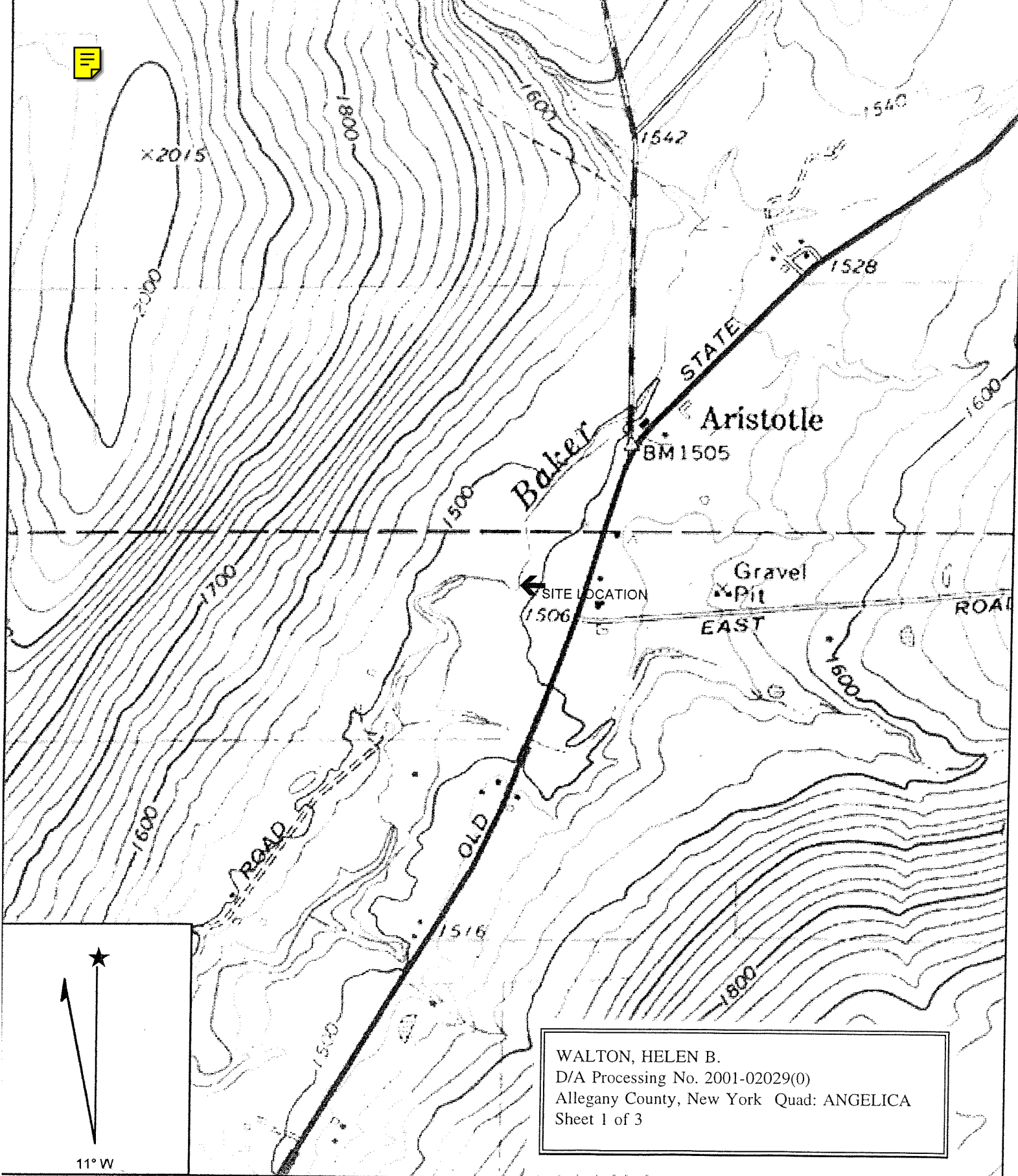
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



WALTON, HELEN B.  
D/A Processing No. 2001-02029(0)  
Allegany County, New York Quad: ANGELICA  
Sheet 1 of 3

Name: ANGELICA  
Date: 1/31/2001  
Scale: 1 inch equals 1000 feet

Location: 042° 20' 46.4" N 078° 01' 04.5" W  
Caption: HELEN WALTON  
7975 COUNTY ROUTE 15  
ANGELICA, N.Y. 14709



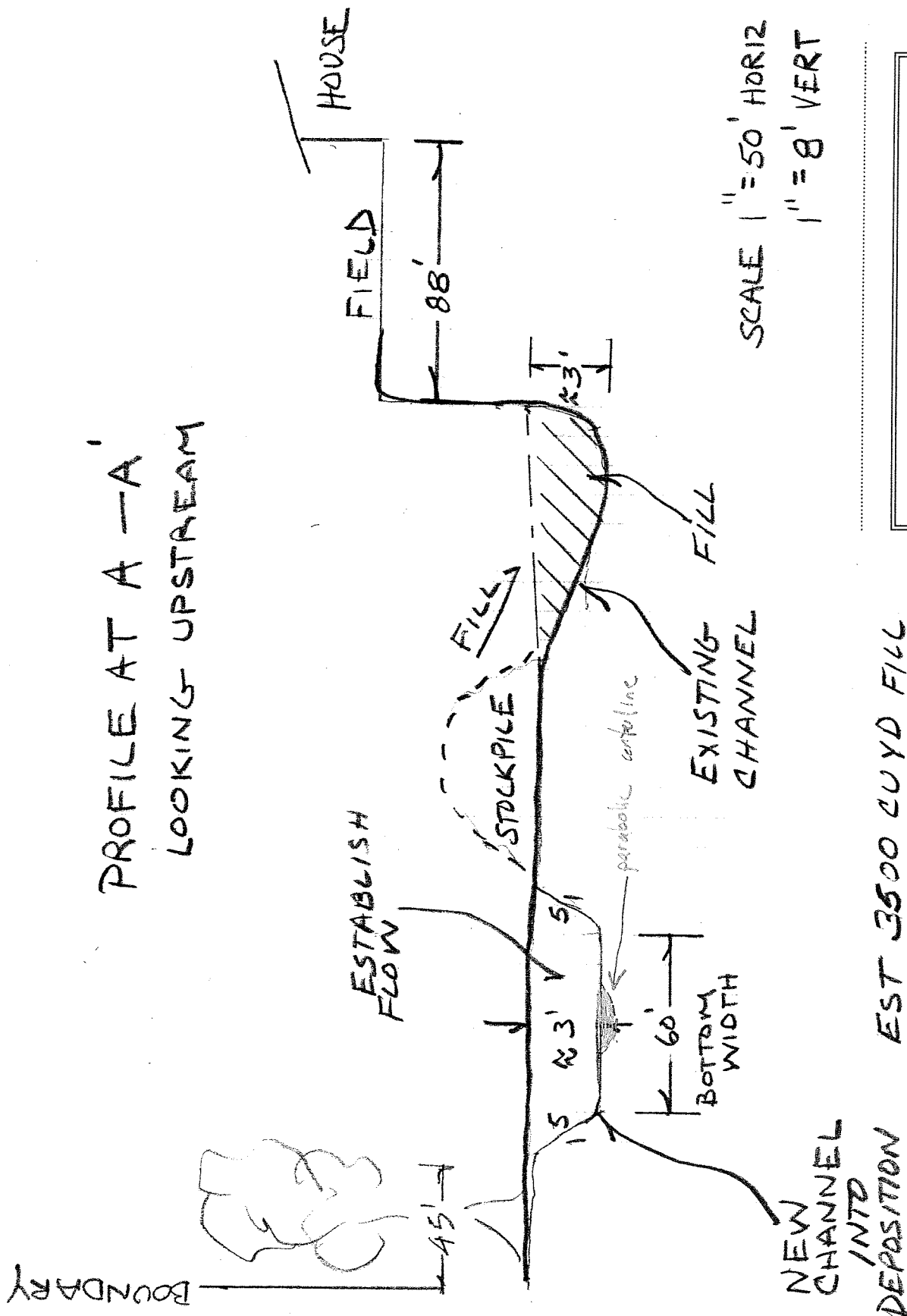
Surveyor's Note/  
Survey Fieldwork was perfor

### References Used For Survey

SCALE: 1" = 120'

|                                    |                    |                       |      |                            |
|------------------------------------|--------------------|-----------------------|------|----------------------------|
| STATE <b>NY</b>                    |                    | PROJECT <b>WALTON</b> |      |                            |
| BY <b>7PS</b>                      | DATE <b>6/6/01</b> | CHECKED BY            | DATE | JOB NO.                    |
| SUBJECT <b>OBSTRUCTION REMOVAL</b> |                    |                       |      | SHEET <b>1</b> OF <b>1</b> |

The new stream bed shall be constructed with a "parabolic" or dished centerline, 8 to 12 inches lower than the toe of the stream bank, to concentrate low flows.



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Sheet 3 of 3